

## **REMARKS**

Initially, the applicants would like to thank the examiner for the courtesies extended to the undersigned during the in-person interview of February 10, 2011, during which the merits of the outstanding office action were discussed. The above amendment to claim 1 and the following remarks were discussed. Accordingly, the present amendment can be considered applicants' substance of the interview.

An Information Disclosure Citation was submitted on July 28, 2006 (2 sheets). However, an initialed copy of these sheets was not sent along with the outstanding office action. The applicants respectfully request the examiner to return an initialed copy of the Information Disclosure Citation submitted on July 28, 2006.

Claims 1-12 are currently pending. Reconsideration of the present application is respectfully requested.

Claim 9-12 were rejected under 35 U.S.C. 112, second paragraph. Particularly, in the office action, it has been asserted that the use of trademarks: DD/DD+; DTS-HD; DD/MLP; DD(AC-3); etc. in the claims renders them indefinite. This rejection is respectfully traversed.

Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982); MPEP 706.03(d). However, the terms in claims 9-12 do not identify or describe materials or products. Rather, these terms refer to names of particular encoding methods. Accordingly, use of these trademarks in claims 9-12 does not render these claims indefinite. Therefore, the rejection of claims 9-12 under 35 U.S.C. 112, second paragraph should be withdrawn.

Claims 1 and 4-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0128402 to Weaver *et al.* (hereafter: “Weaver”) in view of the publication to Fielder *et al.* (hereafter: “Fielder”). For the reasons discussed below, these claims, as amended, should now be in condition for allowance.

Independent claims 1 and 7-8 recites novel features associated with a reproduction apparatus or method as described, for example, on pgs. 60-62, which includes *inter alia* judging if predetermined conditions are satisfied by each of a plurality of audio streams written in entries of a stream number table, the entries corresponding one-to-one to the plurality of audio streams, and selecting an audio stream to be reproduced based upon the judgment. For example, as discussed on pgs. 28-29, the playlist information includes the STN-table shown in Figs. 10 and 12 which indicates reproducible streams among a plurality of elementary streams multiplexed in the clips specified in the PlayItem information.

Weaver describes in a first embodiment transmitting and receiving information regarding available output modes (TRAN command) between an undefined device and a connected multimedia device and storing the information in a feature registry so that the optimal modes for operation can be selected. Regarding the first embodiment, Weaver fails to disclose selecting an *audio stream* to be reproduced among the plurality of audio streams as called for in claims 1 and 7-8. Rather, Weaver merely describes selecting audio modes of the connected devices.

In a second embodiment, Weaver describes transmitting sample audio data to audio processors which process the audio data as a media service corresponding to a specific audio output mode. For example, at 412, sample audio data is processed in a Dolby 5.1 output mode. At 416, sample audio data is processed in a surround sound audio output mode. Then, it is determined if the output audio is within acceptable parameters for a corresponding audio output.

However, here Weaver merely describes testing audio data to select an audio output mode. Weaver does not describe selecting an *audio stream* to be reproduced among the plurality of audio streams as called for in claims 1 and 7-8.

Moreover, Weaver also fails to describe selecting an audio stream from a plurality of audio streams written in entries of the stream number table, the entries corresponding one-to-one to the plurality of audio streams, and reproducing the selected audio stream together with a video stream as called for in amended claims 1 and 7-8. At best Weaver merely describes a table including possible permutations of audio and video modes. Although Weaver may select an audio mode from the table, Weaver fails to teach or suggest selecting an *audio stream* from a table.

Fielder describes how the E-AC-3 coding system was designed to support programs of more than 5.1 channels through the use of channel extensions, etc.

However, the combination of Weaver and Fielder fails to teach or suggest selecting an audio stream from a plurality of audio streams written in a stream number table, the entries corresponding one-to-one to the plurality of audio streams, and reproducing the selected audio stream together with a video stream as called for in amended claims 1 and 7-8. Accordingly, the rejection of independent claims 1 and 7-8, as well as dependent claims 4-6 and 9 under 35 U.S.C. 103(a) should be withdrawn.

Claims 2-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Weaver and Fielder further in view of U.S. Patent no. 5,333,276 to Solari. Claims 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Weaver and Fielder further in view of U.S. Patent Publication no. 2006/0013077 to Mesarovic and further in view of the publication to Thomson. Claims 2-3 and 10-12 depend from

independent claim 1. Accordingly, the rejection of claims 2-3 and 10-12 under 35 U.S.C. 103(a) should be withdrawn for at least the above-mentioned reasons with respect to claim 1.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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